

**REMARKS**

The drawings are objected to for the reasons noted in the official action. All of the raised drawing objections are believed to be overcome by the requested drawing amendments. The accompanying New Replacement Sheet(s) of formal drawing(s) incorporate all of the requested drawing amendment(s). If any further amendment to the drawings is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

The above newly amended paragraphs of the specification overcome some informalities noted in the specification on file. The undersigned avers that the newly amended paragraphs of the specification do not contain any new subject matter.

Claims 6-14 are rejected, under 35 U.S.C. § 103, as being unpatentable over Hrazdera '595 (U.S. 6,942,595) in view of Applicant's admitted prior art. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

Hrazdera '595 relates to a control system for the drive of a PTO of a tractor. The tractor includes an engine 2, a CVT 4, a shaft 5 which extends from the CVT 4 to a PTO 1 and a control device 10 including a processor 11 which processes a number of input signals and passes output signals to the CVT 4 for the drive ratio to be obtained.

The reference of Hrazdera '595 teaches that the control system is used to accelerate and decelerate the PTO 1 by means of a CVT 4. The specification states that a "functionally very important aspect of (driving the CVT depending on a variety of input signals) is that the selected speed (of driving the PTO) is attainable completely independently of the instantaneous speed of the engine". In this manner the PTO 1 can be driven by the CVT at a maximum speed even while the engine is at idling speed (col. 4, Ins. 15-25).

The Examiner asserts that the PTO of the reference can be run as a ground speed PTO in which the speed of the PTO can relate to the speed of the tractor. This may arguably be

true, however the reference also indicates that running the PTO as a ground speed PTO may be possible given the condition that the control system is used with a CVT. The Applicant asserts that the reference teaches away from the drive system of the application with a clutch and different gear stages and therefore teaches away from the claimed method of the application. According to Hrazdera `595 a clutch and brake, typically associated with the PTO "can be omitted without substitution, since their tasks are taken over by the CVT transmission." The control system for a CVT as disclosed by Hrazdera `595 supposedly has a simplified design when compared to a control system that utilizes a clutch. When compared to a control system that includes a CVT, a control system for a clutch, is considered by Hrazdera `595 to be "a compromise" (col. 6, Ins. 16-23). Regardless of how the control system, disclosed by Hrazdera `595, is only utilized to control a drive system having a CVT.

The claims of the application, in contrast to the teachings of Hrazdera `595, recite a method of operating a PTO that is connected, via a clutch, to a drive motor and comprises the specific steps of shifting the PTO gear stage either up or down and actuating the clutch to either slip more or less depending on different speed signals.

The Applicant acknowledges that the Applicant's admitted prior art may arguably relate to the feature indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Hrazdera `595 with this additional art of still fails to in any way teach, suggest, disclose or remotely hint at the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the

10/590,588

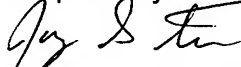
Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Hrazdera '595 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Jay S. Franklin, Reg. No. 54,105

**Customer No. 020210**

Davis & Bujold, P.L.L.C.

112 Pleasant Street

Concord, NH 03301-2931

Telephone 603-226-7490

Facsimile 603-226-7499

E-mail: [patent@davisandbujold.com](mailto:patent@davisandbujold.com)

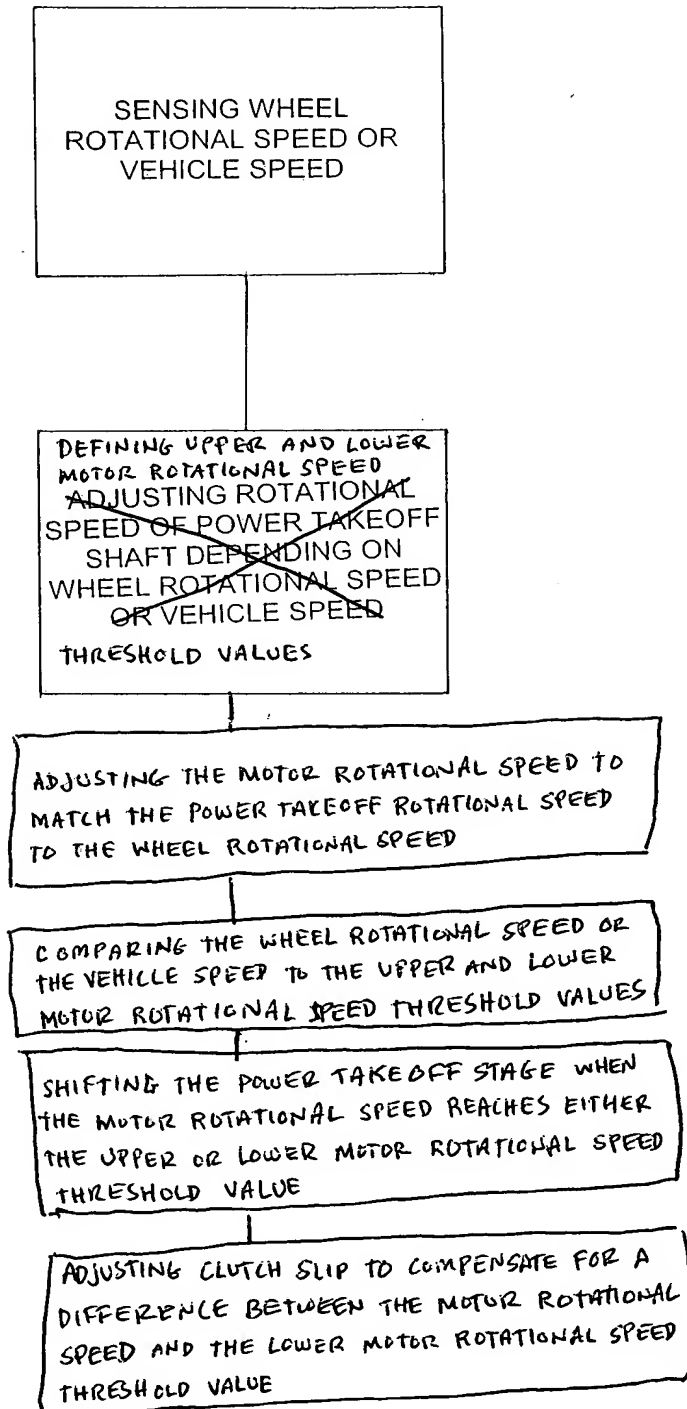


FIG. 1